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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,984	01/16/2004	Harry Snyder	2003P00652 US01	7911
7590 08/10/2007 Alexander J. Burke Intellectual Property Department 5th Floor 170 Wood Avenue South Iselin, NJ 08830			EXAMINER VY, HUNG T	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,984

Applicant(s)

SNYDER ET AL.

Examiner

Hung T. Vy

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. As of entry of the amendment and RCE filed 06/01/2007, claims 1-19 are pending in this application. Upon reconsideration, The Applicant's arguments are not persuasive (see Response to Arguments below).

Drawings

2. The drawings are objected to for the following reasons.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of interface images", "plurality of organization", "an application and associated application data specific to said particular organization" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-8, and 10-19 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Thompson et al. (U.S. pub. No. 2003/0229522).

Regarding to claims 1, and 16-19, Thompson et al. discloses a system enabling individual organizations of a plurality of different organizations (i.e., "*many different type*

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of people, both within and outside an organization" (0283)) to manage access of their own respective employees (i.e., "can access the organization's data") (0283) to at least one remotely located application hosted by an application service provider (900)(see fig. 8)(0271), comprising: at an application service provider site (202) (fig. 2A) and (900) (fig. 8)at least one database (907) containing data representing (see fig. 8), a plurality of user interface images (i.e., "each benefit broker/consultant can display their own name, logo and colors on user interface screens" (0116) associated with a corresponding plurality of organizations (i.e., "each benefit broker/consultant can display their own name, logo and colors on user interface screens" (0116), and a plurality of executable procedures associated with the corresponding plurality of user interface images (i.e., "the application 20 may contain image branding portal customization and personalization tools and templates" (0116), an executable procedure supporting a user of a particular organization (i.e., "the client tier 902 may be a browser which executes the application's user interface with which the user directly interacts" (0271)) of said plurality of organization in managing access of employees of the particular organization (i.e., "different users 1105 as generally represented by the different blocks in the user portals 1114 will be allowed access to different portions of the application") (0284) to an application hosted by an application service provider (900)(see fig. 8)(0271), and used by said plurality of organization (i.e., "many different type of people, both within and outside an organization" (0283)); and a command processor employing the at least one database (907, 909) for initiating execution of a particular executable procedure organization in response to a command initiated at a remote location associated with the particular organization(i.e., "a user,

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referred to in the diagram as a client (e.g., a benefit consultant, benefit consultant firm, or employer which may be a client of the application owner/administrator), may upon login 200 change a password or perform one or more other client portal management functions (202 (202 at ASP)) (0162)) using a particular user interface image (i.e., "the client tier 902 may be a browser which executes the application's user interface with which the user directly interacts" (0271)) associated with the particular executable procedure and with the particular organization (see fig. 10-12), the particular executable procedure supporting the user in managing and granting access of an employee (i.e., "security and user APIs 1010 shown in FIG. 9" or at fig. 2A shows user login and perform one or more other client portal management functions (managing and granting access of an employee at 230) of the particular organization to an application, an authorization processor for authorizing access of the user to a particular user interface image (i.e., "various services, ranging from personalization to authentication to security, for private or confidential data or internal business processes, need to be provided") (0283) and excluding access by employees of organizations other than said particular organization (0288) or (i.e., "a second human resource employees may be given restricted access to perform limited plan maintenance support tasks, as determined by the employer" (0126)).

Regarding claim 2, Thompson et al. discloses said at lest one database (907, 909), said command processor, said application (20) and associated application data specific to said particular organization (i.e., "broker", "Administration"(1111) , etc.), are located at said application service provider (900) (fig. 9) site behind a firewall (911) and accessed through said firewall by users (902) of said plurality of organization (i.e.,

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"broker", "Administration"(1111), etc.) and include an authorization processor for authorizing access of the user to the particular user interface image and the associated particular executable procedure in response to received identification information (i.e., "authentication")(0285) of the user (0284-0285).

Regarding claims 3-4, Thompson et al. discloses said particular executable procedure and said particular user interface image (i.e., *"each benefit broker/consultant can display their own name, logo and colors on user interface screens"* (0116) are specifically associated with said particular organization (i.e., *"the application 20 may contain image branding portal customization and personalization tools and templates"* (0116) or *"The application is accessed by an authorized user such that the authorized user through a plan creator user interface provided by the at least one presentation panel can create a benefit plan using the benefit plan design creation template"* (0020) or *"The personalized image branding includes selection of one or more characteristics of one or more of the user interfaces displayed to the one or more users"* (0023)) and an authorization processor excludes access of the user and employees (i.e., *"users1105"*)(0284) of the particular organization (i.e., *"different portion of the application functionality"* (0284) to user interface images and executable procedures and data associated with organizations other than the particular organization (0284) by removing permission (i.e., *"edit-control access"*) (0286) of the user and employees of the particular organization to access the data associated with the other organizations from a directory of permissions used to control data access (i.e., *"The application is accessible via one or more user portals customizable to permit one or more*

users access to all or a limited portion of at least one of the presentation panels and/or employee benefits management plan data" (0023)(0025)).

Regarding claim 5, Thompson et al. discloses the directory of permission comprises a Microsoft compatible Active Control List (i.e., "*edit-control access*") (0286).

Regarding claim 7, Thompson et al. discloses the plurality of executable procedures comprises a plurality of sets of executable procedures associated with the corresponding plurality of user interface images organization (i.e., "*the client tier 902 may be a browser which executes the application's user interface with which the user directly interacts*" (0271)) and the command processor employs the at least one database (907,909) for initiating execution of a particular executable procedure in a particular set of executable procedures in response to a command initiated using the particular executable procedure in a particular set of executable procedures in response to a command initiated using the particular user interface image (see fig. 1, 9-12).

Regarding claim 8, Thompson et al. discloses an executable procedure enables the user to at least one of add an employee and remove an employee, of an organization as a user entitled to access the application hosted by the application service provider (i.e. "*edit-control access*") (0286).

Regarding claim 10, Thompson et al. discloses an executable procedure enables the user to amend information used in authorizing a particular employee of an organization to access (i.e. "*edit-control access*") (0286) the application hosted by the application service provider (900)(0286).

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Regarding claims 11-12, Thompson et al. discloses an authorization processor for authorizing access of the employee of the particular organization to the particular user interface image and the associated particular executable procedure in response to received employees identification information (i.e., "*authentication*") (0284-0285).

Regarding claim 13, Thompson et al. discloses disclose an executable procedure comprises processor executable instruction in a computer language including at least a compliable computer language (0282 or claim 55).

Regarding claim 15, Thompson et al. discloses at least one of, the command is initiated at a user site via a particular user interface image (i.e., "*each benefit broker/consultant can display their own name, logo and colors on user interface screens*") (0116) communicated to the user site (0116).

Regarding claim 14, Thompson et al. discloses a template procedure customized by at least one of the user and a technician (0076).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter Thompson et al. (U.S. pub. No. 2003/0229522) in view of Clark et al. (U.S. Patent No. 7,237,119).

With respect to claims 6 and 9, Thompson et al. discloses all limitations of claimed invention recited in claim 4 and 8 except changes authorization information associated with the added or removed employee. However, Clark et al. discloses changes authorization information associated with the added or removed employee (i.e., *“the administrator (s) of those application(s) can be overwhelmed by numerous requests to add new users and/or to change the authorization levels of existing users of the application (s)”* (col. 1, line 1-25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Thompson’s system by adding the function to change authorization information associated with the added or removed employee in order to have helpful system in preventing unauthorized access for the stated purpose has been well known in the art as evidenced by teaching of Clark et al. (col. 1, line 10-13).

Response to Arguments

6. Applicant’s arguments filed 06/01/2007, with respect to the rejection(s) of claim(s) 1-19 under Thompson have been fully considered and are not persuasive. The following is the response of the Applicant’s argument.

- “The drawings are objected to because...drawing be withdrawn” (second paragraph, page 8).

Examiner remarks:

The Applicant arguments are not persuasive. Figure 1, the database 138 showing that “user Interface Images” without showing “a plurality of user interface images

associated with corresponding plurality of organization”. Figs. 2-14 shows plurality of “single image” without showing “a plurality of user interface images associated with corresponding plurality of organization”.

- “Unlike the present claimed system, Thompson describes a benefit management ...without the need to contact the application service provider (ASP)” (first paragraph, page 10)

Examiner remarks:

The Applicant arguments are not persuasive. Thompson discloses the system that allow individual customer to manage and control their own access rights as well as exclude access of “application data specific to said particular organization” from other user as showing in fig. 2 that client access at the remote (200) and manage and control their own access rights by using the “Employer Benefit Management at 202 (see fig. 2A). Further, The Applicant’s argument is not support claimed language such as “**without the need to contact the applicant service provider (ASP)**”. The claims do not recite the limitation “**without the need to contact the applicant service provider (ASP)**”.

- “Contrary to the claimed system, Thompson, in Figure 8 and the corresponding description, describes an (ASP)...their OWN access of their own employees without ASP intervention” (second paragraph, page 10 and first paragraph, page 11).

Examiner remarks:

The Examiner does not agree with the Applicant. Thompson discloses all limitations recited in the claimed invention such as client management of a particular application hosted by an ASP (Fig. 2 shows that client at 200 and control and management of particular application hosted by an ASP at 202). Further, the claimed invention does not support the Applicant's argument because the claims do not recite "this architecture functions to allow a user to access applications and data AFTER a user is previously authorized to do" and "the claimed system enables individual customer organizations of an ASP to manage their OWN access of their own employees without ASP intervention". Furthermore, Thompson also discloses "particular executable procedure" associated with an organization specific user interface image (Examiner asserts that client 200 can access to ASP to managing and granting access by using the executable procedure at 202 at ASP (*i.e. "a user may select to export data from an interface of the application 20 to an integrated application" (0170)*) "supporting the user in managing and granting access of an employee (230) of the particular organization (Employer Benefit Management 230 such as Financial, etc.) and excluding access to said application data specific to said particular organization by employees of organizations other than said particular organization (*i.e., "a second human resource employees may be given restricted access to perform limited plan maintenance support tasks, as determined by the employer" (0126).*

- "Figure 1 of the present application show a system for accessing a server via firewall to grant...This architecture is neither disclosed nor suggested by Thompson" (second paragraph, page 11).

Examiner remarks:

In response to the Applicant's argument above, the Applicant's argument is not persuasive because the claims do not support the Applicant's argument.

- "Thompson superficially describes Authorization to access and limit rights ...the rejection of claim 1 be withdrawn." (last paragraph, page 11).

Examiner remarks:

In response to the Applicant's argument above, the Applicant's argument is not persuasive because Thompson suggest that "in response to a command (*client accesses at remote location as command*) initiated at a remote location (at remote location as client 200, 400, 500, 550 or 400)(figs. 2-5) associated with the particular organization using a particular user interface image associated with the particular executable procedure and with the particular organization (*Examiner asserts that User (user can be admin, user with authority, client) can access to the ASP to edit the "control access list" (0286), and management at "Businesses/Enterprise Application Administration" (402), "Provider Authorization", and "Employer Benefit Management" (202) (fig. 2-5)) the particular executable procedure supporting the user in managing (i.e., "a user, referred to in the diagram as a client (e.g., a benefit consultant, benefit consultant firm, or employer which may be a client of the application owner/administrator), may upon login 200 change a password or perform one or more other client portal management functions (202) (202 at ASP)" (0162) and granting access (i.e., "edit-control access" (0286)) of an employee of the particular organization to an application and associated application data specific to said particular organization and excluding access to said application data specific to said particular organization by employees of organization other than said particular organization*" as claimed invention. Further, based on the

ACL structure, the user (at client at remote location) based on their authority, they (clients) can remote access and can edit the ACL to grant the access of an employee of the particular organization as the basic of functional of ACL (0286). Thus, Thompson does show or suggest a system enabling individual customer (client or user at remote location) of an ASP service to manage their own access rights excluding access by other customer without need to consult the ASP as in the present claimed invention. The claims do not recite “without need to consult the ASP”; therefore the Applicant’s argument does not support the claimed invention.

- “Amended claim 2 is dependent on claim 1 and is considered patentable for ...it is respectfully requested that the rejection of claim 2 be withdrawn.” (first paragraph, page 12).

Examiner remarks:

In response to the Applicant’s argument above, the Applicant’s argument is not persuasive. Thompson discloses all limitation as recited in claim. Further, Thompson discloses, in paragraph 0025, the client (user) (at remote location) can view or edit the presentation panels is restricted and/or providing data security such that user access to view or edit data of one or more presentation panels is restricted.

- “Amended claim 3 is dependent on claim 1 and 2 and is considered patentable for ...requested that the rejection of claim 3 be withdrawn” (second paragraph, page 12).

Examiner remarks:

In response to the Applicant's argument above, the Applicant's argument is not persuasive. Thompson discloses the ACL (0286), the function of ACL that provide excludes access, that means based on the ACL, the system will provide excluding access...by employees of organization. Further, Thompson also discloses excludes access...by employees or organization other than the particular organization (i.e., "*a second human resource employees may be given restricted access to perform limited plan maintenance support tasks, as determined by the employer*" (0126)).

- "Claim 5 is dependent on claims 1-4 and is considered patentable...requested that the rejection of claim 5 be withdrawn." (third paragraph, page 13).

Examiner remarks:

The Examiner does not agree with Applicant's argument. Thompson discloses "control access" is equivalent with claimed invention that ACL because ACL has control list of authorization of user or organization to access. Thompson discloses edit-control access that means control access list is edited.

- "Claim 8 is dependent on claim 1 and is considered patentable for the reasons presented above with respect to claim 1...the rejection of claim 8 be withdrawn" (third paragraph, page 14).

Examiner remarks:

In response to the Applicant's argument above, the Applicant's argument is not persuasive because Thompson discloses "in response to a command initiated at a remote location associated with particular organization" (client (902) remote access to particular organization that equivalent of "in response to a command initiated at a

remote location associated”. Thus, Thompson discloses all limitations of claimed invention. Furthermore, the claim does not support the Applicant’s argument. The claim does not recite, “without the intervention of the ASP hosting the application being accessed”

- “Claim 10 is depend on claim 1 and is considered ...that the rejection of claims 11 and 12 be withdrawn” (second and third paragraph, page 15).

Examiner remarks:

In response to the Applicant’s argument above, the Applicant’s argument is not persuasive because Thompson discloses “edit control access” by user is equivalent with unable the user to amend information used in authorizing a particular employee. Thompson discloses all limitation of claimed invention.

- “Claim 14 is dependent on claim 1 and is considered patentable for the reasons ...the rejection of claim 14 be withdrawn” (first paragraph, page 16).

Examiner remarks:

In response to the Applicant’s argument above, the Applicant’s argument is not persuasive because Thompson discloses “in response to a command initiated at a remote location associated with particular organization” (client (902) remote access to particular organization that equivalent of “in response to a command initiated at a remote location associated”.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hung T. Vy
Art Unit 2163
August 3, 2007.